IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20937 of 2004

Between:

Mangathayaru, W/o. Late K. Kasulu, Hindu,
R/o. H.No. 2-2-76/B, Visakhapatnam,

Visakhapatnam District.

..... PETITIONER

AND

1. The Correspondent, Hindustan

Shipyard Junior College,
Visakapatnam.

2 The District Collector,
Visakapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly a Writ in the nature of Mandamus under Article 226 of Constitution of India, though the competent authority of the 2nd respondent after conducting an elaborate enquiry and recommended for provide job to the petitioner as an attender in the existing vacancy, inaction of the 1st respondent in not even trying to implementing the orders of the 2nd respondent as illegal, arbitrary consequently the petitioner's entitled a job on compassionate ground as per 2nd respondent proceeding,

Counsel for the Petitioner: SMT.A.PADMA

Counsel for the Respondent No.1: MR.S.V.BHATT

Counsel for the Respondent No.2: GP FOR REVENUE

The Court at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 20937 of 2004

ORDER:

In not implementing the order passed by the 2nd respondent for appointment in the existing vacancies of the 1st respondent institute as Attender on compassionate grounds, this writ petition is filed.

2 . Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

3 . The brief facts of the case are that the 2nd respondent vide proceedings in Dis.No.5601/03/A3, dated 05-06-2004, directed the 1st respondent to appoint the petitioner as an Attender on compassionate grounds in the existing vacancy subject to the receipt of orders on relaxation of educational qualifications Rule in favour of the individual from the Head of the Department.

4. The learned Government Pleader for Revenue appearing for the respondents contended that the proposals for relaxation in respect of educational qualifications have already been forwarded to the District Educational Officer and in-turn forwarded to the Head of the Department.

5 . Admittedly, one grant-in-aid post is vacant in the 1st respondent-College. The petitioner is seeking appointment on compassionate grounds. The case of the petitioner was referred to the 2nd respondent by the 1st respondent and the 2nd respondent specifically directed the 1st respondent to appoint the petitioner in the existing vacancy (aided post) subject to relaxation with regard to the age and educational qualifications.

6. Therefore, I consider it appropriate that since the matter is pending with the competent authority, a direction can be given to the 1st respondent to

implement orders of the 2nd respondent within two weeks from the date of receipt of a copy of this order. This appointment, if any, made in pursuance of this order, shall be subject to sanction by the competent authority and relaxation that may be given by the competent authority.

7. Accordingly, the Writ petition is disposed of. In the circumstances, no costs.

_____ December 22, 2004

Kvr
TO

1. The Correspondent, Hindustan

   Shipyard Junior College,
   Visakapatnam.
2 The District Collector,
   Visakapatnam.

3 Two C.Cs to the GP for Revenue,

AP High Court Buildings, High Court

Of AP, Hyderabad (O.U.T.)

4 Two C.D. Copies.